

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: TOSHIBA CORPORATION;
TOSHIBA MATSUSHITA DISPLAY
TECHNOLOGY CO., LTD.; TOSHIBA
AMERICA ELECTRONIC
COMPONENTS, INC.; TOSHIBA
AMERICA INFORMATION SYSTEMS,
INC.,

No. 08-74803

D.C. No. M:07-cv-01827-SI
Northern District of California,
San Francisco

ORDER

TOSHIBA CORPORATION; et al.,

Petitioners,

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA (SAN FRANCISCO),

Respondent,

JUDD ELIASOPH, On Behalf Of Himself,
And Others Similarly Situated; et al.,

Real Parties in Interest.

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

The emergency motion to stay all discovery directed at petitioners pending
ruling on petition for writ of mandamus is granted.

AM/MOATT

This petition for a writ of mandamus raises issues that warrant a response. *See* Fed. R. App. P. 21(b). Accordingly, within 14 days after the date of this order, the real parties in interest shall file a response. In particular, the response shall address whether petitioners are currently parties to the district court action and include proof that an amended complaint has been filed with the district court and served on petitioners in support of such contention.

The district court, within 14 days after the date of this order, may file a response if it so desires. Petitioners may file a reply within 5 days after service of the response(s). The petition, response(s) and any reply shall be referred to the next available motions panel.